



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/533,762      | 03/23/2000  | Jae Kyung Lee        | 0630-1061P          | 9869             |

7590 08/14/2002

Birch Stewart Kolasch & Birch LLP  
P O Box 747  
Falls Church, VA 22040-0747

EXAMINER

KE, PENG

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/533,762

Applicant(s)

LEE ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, it recites in lines 4-7 "...A finally selected menu of the menus displayed on a screen is displayed in a predetermined color, and the upper menus corresponding to the path of the finally selected menu are displayed in the same color, which is different from the predetermined color." The claim is generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As per claim 2, it recites in lines 10-12 "... pairs of menus consisting of a menu of menus displayed on a screen and its corresponding lower menu are displayed to be differentiated from other menus." The claim is generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As per claim 3, it recites in lines 15-18 "... pairs of menus consisting of a menu of menus displayed on a screen and its corresponding lower menu are displayed to be differentiated from other menus, and a finally selected menu is display in a predetermined color different from that of other menus." The claim is generally narrative and indefinite, failing to conform with current

Art Unit: 2174

U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

. As per claim 4, it recites in lines 15-18 "... pairs of menus consisting of a menu of menus displayed on a screen and its corresponding lower menu are displayed to be differentiated from other menus, and the upper menus of a finally selected menu are displayed in the same color which is different from the display color of the finally selected menu." The claim is generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As per claim 5, it recites in lines 1-2 "... wherein the pairs of menus consisting of a predetermined menus and its corresponding lower menu are displayed to be differentiated..." The claim is generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

As per claim 6, it is of the same scope as claim 5. (See rejection above)

As per claim 7, it is of the same scope as claim 5. (See rejection above)

As per claim 8, it is of the same scope as claim 5. (See rejection above)

As per claim 9, it is of the same scope as claim 5. (See rejection above)

As per claim 10, it is of the same scope as claim 5. (See rejection above)

As per claim 11, it is of the same scope as claim 5. (See rejection above)

As per claim 12, it is of the same scope as claim 5. (See rejection above)

As per claim 13, it is of the same scope as claim 5. (See rejection above)

Art Unit: 2174

As per claim 14, it is of the same scope as claim 5. (See rejection above)

Claim 8 recites the limitation "block" in line 13. There is insufficient antecedent basis for this limitation in the claim. The art rejections are made to the best of the examiner's understanding because of the 35 USC 112 problems.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-6, and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Roberge (U.S. 6,154,750).

As per independent claim 1, Roberge teaches a method for displaying a menu screen of a video apparatus which displays images, in which a finally selected menu of a plurality of menus displayed on said menu screen is displayed in a predetermined color, and the upper menus corresponding to said finally selected menu are displayed in a color, which is different from said predetermined color (fig. 7-17, col 6 lines 37-41).

As per independent claim 2, Roberge teaches a method for displaying a menu screen of a video apparatus that displays images, which consisting of a plurality of menus and their corresponding lower menus are displayed differently from other menus (fig. 7-17, col 6 lines 37-41).

As per independent claim 3, Roberge teaches a method for displaying a menu screen of a video apparatus that displays images, which consisting of a plurality of menus and their corresponding lower menus are displayed differently from other menus, and a finally selected menu is displayed in a predetermined color that is different from that of the other menus (fig. 7-17, col 6 lines 37-41).

As per independent claim 4, Roberge teaches a method for displaying a menu screen of a video apparatus that displays images, which consisting of a plurality of menus and their corresponding lower menus are displayed differently from other menus, and the upper menu of a finally selected menu is displayed in a color that is different from the display color of the finally selected menu (fig. 7-17, col 6 lines 37-41).

As per claim 5, which is dependent on claim 2, wherein the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using blocks (fig. 7-17, col 6 lines 37-41).

As per claim 6, which is dependent on claim 2, wherein the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using shading difference (fig. 7-17, col 6 lines 37-41).

As per claim 9, which is dependent on claim 3, wherein the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using blocks (fig. 7-17, col 6 lines 37-41).

As per claim 10, which is dependent on claim 4, wherein the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using blocks (fig. 7-17, col 6 lines 37-41).

As per claim 11, which is dependent on claim 3, wherein the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using shading difference (fig. 7-17, col 6 lines 37-41).

As per claim 12, which is dependent on claim 4, wherein the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using shading difference (fig. 7-17, col 6 lines 37-41).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roberge et al (U.S. 6,154,750) in view of Ermel et al. (U.S. 5,835,094).

As per claim 8, which is dependent on claim 3, Roberge teaches claim 3, he doesn't teach a method wherein the menus are displayed three-dimensionally so as to show their height. However, Ermel et al. teaches the menus are displayed three-dimensionally so as to show their height (fig 1-4, col 3 lines 37-51). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Ermel's teaching with Roberge's method in order to give user a complete view of all the available selections of the menu.

Claims 7, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberge et al (U.S. 6,154,750) in view of Hendricks et al. (U.S. 6,181,335).

As per claim 7, which is dependent on claim 2, Roberge teaches claim 2, he doesn't teach the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using color. However, Hendricks teaches the pairs of menus consisting of a plurality of predetermined menus, and their corresponding lower menus are displayed to be differentiated by using color (col 37 lines 56-67, and col 38 lines 1-10). It would have been obvious to one of ordinary skill in the art at the time of the invention to include Hendricks' teaching with Roberge's method in order to make it easier for user to recognize the submenus, which have a different color from each other.

As per claim 13, it is of the same scope as claim 7. (See rejection above)

As per claim 14, it is of the same scope as claim 7. (See rejection above)



*Conclusion*

The following patents are cited to further show the state of the art with respect to menus and displays in general:

Kim (U.S 6,133,911), discloses a method for selecting menus displayed via television receiver.

Tanobe (JP 401206424A), discloses file displaying system.

Tsugou (JP 404246720A), discloses level display system for window menu.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KRISTINE L KINCAID can be reached on (703)308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are None for regular communications and None for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is None.

Peng Ke  
August 8, 2002

Application/Control Number: 09/533,762

Page 9

Art Unit: 2174

*Kristine Kincaid*

**KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**